

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR 2019 SEP -9 PM 12:37
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CLERK 
SU. DIST. OF GA.

QUENTIN BIGBY,)
)
 Plaintiff,)
)
 v.) CASE NO. CV418-241
)
 DR. OLATUNJI AWE, M.D., and)
 CYNTHIA RIVERS,)
)
 Defendants.)
)

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 24), to which objections have been filed (Doc. 25). After a careful de novo review of the record, the Court concludes that Plaintiff's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Plaintiff's Motion for Preliminary Injunction (Doc. 3) is **DENIED**.

In his objections, Plaintiff requests that this Court review the report and recommendation and references a contemporaneously filed "Motion to Stay Decision on the Motion for Preliminary Injunction." (Doc. 25 at 1.) In the motion, Plaintiff states that he seeks an order requiring

the Defendants to provide him with surgery and that his injury and continuing pain will cause irreparable injury. (Doc. 26 at 1.) Plaintiff generally states that his motion is deficient because it is "missing sections required" for the issuance of a preliminary injunction and because "Plaintiff has failed to show a substantial likelihood of success on the merits," and "failed to include a proposed order." (Id. at 2.) Plaintiff claims that he has evidence to support his allegations and, if given the opportunity, can satisfy the requirements for a preliminary injunction. (Id.) The Court finds these objections and this motion to be without merit.

In the report and recommendation, Magistrate Judge Ray recommends that Plaintiff's motion for preliminary injunction be denied because Plaintiff fails to identify an irreparable harm he will suffer without the relief he seeks. (Doc. 24 at 3-5.) Plaintiff did not include any specific allegations in his objections or his Motion to Stay Decision of what the irreparable injury would be. Further, this Court is not persuaded by Plaintiff's argument that he could satisfy the requirements for a preliminary injunction if given the chance because he has, in fact, been given such opportunities. Plaintiff did not

substantively address in his objections or Motion to Stay Decision any of the points raised by Magistrate Judge Ray in the report and recommendation. Accordingly, the Court finds that the motion should be denied.

Plaintiff has also filed a Motion for Leave to Amend Complaint. (Doc. 27.) In this motion, Plaintiff lists numerous areas that he wishes to amend in his complaint, including claims for preliminary injunctive relief. Plaintiff states that, as amended, the "claims for injunction is adequate as the four (4) factors of whether a preliminary injunction relief are included. . ." (Id. at 5.) Because this Court is denying his Motion for Preliminary Injunction and Motion to Stay Decision on the Motion for Preliminary Injunction, the Court finds that Plaintiff should refile a new motion for leave to amend complaint excluding any amendments or references to his claims for injunctive relief that relate to the Motion for Preliminary Injunction. Accordingly, Plaintiff's Motion for Leave to Amend Complaint is **DISMISSED WITHOUT PREJUDICE**.

For the foregoing reasons, Plaintiff's Motion to Stay Decision on the Motion for Preliminary Injunction is **DENIED** (Doc. 26). Accordingly, the report and recommendation (Doc. 24) is **ADOPTED** as the Court's opinion in this case and, as

a result, Plaintiff's Motion for Preliminary Injunction (Doc. 3) is **DENIED**. Moreover, Plaintiff's Motion to Amend Complaint (Doc. 27) is **DISMISSED WITHOUT PREJUDICE**. As stated above, Plaintiff may refile a Motion for Leave to Amend Complaint if he wishes to amend his complaint.

SO ORDERED this 9th day of September 2019.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA